

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268

PERIODIC REPORTING OF SERVICE PERFORMANCE

Docket No. RM2022-7

**UNITED STATES POSTAL SERVICE'S MOTION FOR CLARIFICATION
OF ORDER NO. 6470 DENYING MOTION FOR EXTENSION OF TIME**
(April 5, 2023)

The United States Postal Service (Postal Service) respectfully requests clarification of the Postal Regulatory Commission's (Commission's) Order No. 6470 (March 30, 2023) denying the Postal Service's March 14, 2023, motion to extend the time for implementing certain elements of the Postal Service's online Dashboard. Specifically, the Postal Service requests that the Commission address the Postal Service's argument concerning extending the effective date of the Commission's Final Rule by 30 days as it pertains to providing annual and quarterly product performance information to the Dashboard. See Motion for Extension of Time at 6-7.

In its denial, the Commission rejected the Postal Service's proffered interpretation of the Postal Service Reform Act of 2022 (PSRA), 39 U.S.C. § 3692(b)(1)(C), as allowing a degree of discretion relative to implementing the various time segments of the dashboard. Order 6470 at 4. Thus, the Commission concluded that the PSRA explicitly mandates a 60-day deadline for providing product performance information by annual, quarterly, monthly, and weekly segments that was not subject to modification by the Commission. *Id.*

The Commission did not, however, address the Postal Service's alternative argument that the Commission could amend the effective date of its final rule (88 Fed. Reg. 32 at 10037 (Feb. 16, 2023)) by an additional 30 days, to April 19, 2023, to the limited extent that it pertains to the availability of annual and quarterly product performance information on the Dashboard. See Motion for Extension of Time at 6-7.

BACKGROUND

In its October 31, 2022, Comments to the Commission's September 21, 2022, Notice of Proposed Rulemaking in this docket (Order No. 6275), the Postal Service advised that, "[g]iven the robust set of proposed reporting requirements and the time necessary to review and implement these requirements, [a staggered] approach would be reasonable and practical and allow the Postal Service adequate time to implement the new measurements and perform the necessary data gathering." Comments of the United States Postal Service and Notice of Filing of Materials Under Seal, Docket No. RM2022-7 (Oct. 31, 2022) at 30. The Postal Service further advised that we had considered our current capacity to comply with existing reporting requirements as well as the Commission's proposed reporting requirements related to the Public Performance Dashboard, and would reasonably need 300 days after the final regulations are issued to provide performance scores by Market Dominant product. *Id.* Accordingly, the Postal Service proposed the following staggered implementation deadlines reflective of the robust reporting requirements and the time and effort required to review and implement those Dashboard requirements:

- Phase 1: 150 days after the final regulations are issued, this will include score by Market Dominant Mail Class (First Class Mail, USPS Marketing Mail, Periodicals, Package Services);

- Phase 2: 210 days after the final regulations are issued, this will include scores by Service Standard, Non-Profit, and Reply Mail; and
- Phase 3: **300 days after the final regulations are issued, this will include scores by Market Dominant Products**, and Political/Election Mail.

Id. (emphasis added).

Although the Commission “note[d] that developing a data-heavy website can take a large amount of time and effort” and that “[t]he Postal Service deserves the opportunity to test the website extensively, and staggered deadlines should aid both development and testing,” it ruled that the Postal Service Reform Act of 2022 (PSRA) required that “the Dashboard must be implemented 60 days after receiving the reporting requirements from the Commission and that it must necessarily include, by this date, reporting by ‘type of market-dominant product.’” Order Revising Rules for Periodic Reporting of Service Performance, Docket No. RM2022-7, Order 6439 (February 9, 2023) at 26-27 (citing 39 U.S.C. § 3692(c)(2), (8)). Accordingly, the Commission imposed the following schedule:

- (1) 60 days after the regulations are issued, the Dashboard shall include scores by Market Dominant product;
- (2) 150 days after the regulations are issued, the Dashboard shall include scores by Market Dominant mail class;
- (3) 210 days after the regulations are issued, the Dashboard shall include scores by service standard and for nonprofit and Reply Mail; and
- (4) 300 days after the regulations are issued, the Dashboard shall include scores for political and election mail.

Id. at 27.

As explained in the Postal Service Motion for Extension of Time, however, the Postal Service does not presently have the required data aggregated at the breakdown

needed for the data to be made available for the Dashboard being developed. These data elements are not part of the aggregates that are used for the current reporting provided quarterly and annually. For example, the quarterly and annual reports that are currently provided to the Commission are prepared based on a fixed date (*i.e.*, the end of year or quarter), but the data for the dashboard need to be based on a rolling (updated weekly) time frame that goes back to the end of the period selected (*i.e.*, the beginning of the current quarter or fiscal year).

Significant effort is needed to develop these aggregates for all the time dimensions required (weekly, monthly, quarterly, and yearly). Because of the magnitude of the effort to develop these data aggregates, and as noted in our Motion, it is simply not possible to complete the aggregates for all the time dimensions needed to comply with the schedule established in the Commission's final rule (88 Fed. Reg. 32 at 10037 (Feb. 16, 2023)). Nevertheless, the Postal Service does expect to publish *weekly and monthly* performance information by product within the current 60-day schedule (and by class, 90 days in advance of the current deadline); *annual and quarterly* performance information, however, will require additional time to be properly and accurately aggregated before it can be published in the required format. Moreover, calculating the quarterly and annual aggregates is not as simple as summing or averaging the weekly or monthly aggregates. Each time dimension aggregate must be aggregated and calculated separately (*i.e.*, not merely an average of averages) to be statistically accurate. New aggregates will need to be developed to make them available for the appropriate time segments needed for the Dashboard to show on user selected timeframes.

As we previously advised the Commission, the Postal Service estimates that it will require 1080 additional workhours to prepare the annual and quarterly performance information beyond what is required for weekly and monthly performance information. These additional workhours comprise developing software components and data structures to aggregate and store data for optimized access by the online Dashboard (approximately 510 hours) and comprehensive software integration testing, regression testing, and data validation (approximately 570 hours) to ensure that annual and quarterly service performance data remain accurate, reliable, and representative. The size, scale, complexity, and regulatory importance of the Service Performance Measurement (SPM) system necessitate that all due diligence be exercised when updates are made to any component of the system.¹

ARGUMENT

Extending the effective date of the final rule beyond the 30-days set in Order No. 6439, is clearly within the scope of the Commission's discretion. See 5 U.S.C. § 553(d) (requiring only that a substantive rule be published "not less than 30 days" before its effective date); see *also* 39 U.S.C. § 503 ("The Postal Regulatory Commission shall promulgate rules and regulations and establish procedures, subject to chapters 5 and 7 of title 5, and take any other action they deem necessary and proper to carry out their functions and obligations to the Government of the United States and the people as prescribed under this title."). Such an extension would provide the additional time

¹ It is impractical and unworkable to add resources to the project to accelerate preparation of the annual and quarterly data given the timing of the deadlines, as hiring, onboarding, and training will take longer than the extension of time we are requesting. Moreover, the work to locate and train such additional resources would necessarily require the participation of those assets already engaged in the Dashboard project, thereby diverting capacity away from the ongoing work.

needed to generate product performance information by annual and quarterly segments while still complying with the 60-day deadline set by the statute—*i.e.*, the effective date of the final rule for annual and quarterly product performance information of the dashboard would become April 19, 2023, and the deadline for making that information available on the Dashboard would accord with the 60 days mandated by the PSRA, June 18, 2023.² For all other elements of the Dashboard, including for weekly and monthly product performance information, the effective date of the final rule would remain March 20, with implementation on May 19, 2023, in accordance with the PSRA 60-day deadline.

CONCLUSION

Despite the significantly reduced time provided to implement the Dashboard and perform the necessary data gathering, the Postal Service expects to substantially comply with, and in part accelerate, the Commission's schedule. Thus, the Postal Service anticipates implementing the Dashboard to include weekly and monthly data for Market Dominant products and mail classes within the specified 60-days—*i.e.*, by May 19, 2023—which would accelerate compliance with the 150-day deadline for mail class information by 90 days, and to meet the 210-day deadline for service standard reporting, nonprofit, and Reply Mail, and the 300-day deadline for Political and Election Mail scores. The Postal Service also expects that we can add the annual and quarterly segments within 30 extra days—*i.e.*, by June 20, 2023, but we will not be able to comply with the current timeline for those segments. As demonstrated above, the Commission

² June 18, 2023, is a Sunday and June 19 is a federal holiday, which would push Dashboard implementation of the annual and quarterly product performance information to June 20, 2023.

has the discretion to adjust the effective date of its final rule to permit additional time for the Postal Service to provide those two additional segments.

WHEREFORE, the Postal Service respectfully requests clarification of Order No. 6470 to address the possibility of extending the effective date of the Commission's Final Rule by 30 days as it pertains to providing annual and quarterly product performance information to the Dashboard.

Respectfully submitted,

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